

LORD CHANCELLOR.

WHEREAS the presenting and bringing to a hearing Petitions for Liberty to prove separate Debts, under a Joint Commission of Bankrupt, or for the Choice of a new Assignee or new Assignees, upon the Death or Bankruptcy of an Assignee or Assignees; or for taking an Account of the Principal, Interest, and Costs due upon Mortgage of the Bankrupt's Estate, and for Sale of the Estate for Payment thereof, and to prove the Deficiency as a Debt under the Commission, tends to create unnecessary Expence and Delay: I DO THEREFORE ORDER, That the Commissioners in a Joint Commission against Two or more Bankrupts, shall be at Liberty, at any Meeting or Meetings for the Proof of Debts under such Commission, to admit the Proof of any separate Debt or separate Debts of any One or more of such Bankrupts, under such Joint Commission; and such separate Creditors shall be at Liberty to assent to, or dissent from, the Allowance of the Certificate of the Bankrupt or Bankrupts, of whom they shall be separate Creditors. AND I DO FURTHER ORDER, That the Commissioners do cause distinct Accounts to be kept of the joint Estate, and also of such separate Estate or Estates; and that what shall be found to belong to the separate Estate or Estates, shall be applied, in the First Place, in or towards Satisfaction of the Debts of the respective separate Creditors; and in case there shall be any Overplus of the joint Estate, after all the joint Creditors shall be paid and satisfied their whole Demands, that the Share or Shares, Interest or Interests of the Bankrupt or Bankrupts, whose separate Estate or Estates is, or are to be applied in Manner before directed in such Overplus, be carried to the Account of his or their separate Estate or Estates, and be applied in or towards Satisfaction of his or their separate Debts; and in case there shall be any Overplus of the separate Estate or Estates of such Bankrupt or Bankrupts, after all their separate Creditors shall be paid and satisfied their whole Demands, that the Overplus of such separate Estate or Estates, be carried to the Account of the joint Estate, and be applied in or towards Satisfaction of the joint Debts; and that the Costs of taking such Accounts be paid out of such separate Estate or Estates, and be settled by the Commissioners, in case the Parties differ about the same. AND I DO FURTHER ORDER, That in case an Assignee or Assignees of any Bankrupt or Bankrupts, shall become Bankrupt after the Date of this my Order, such Bankrupt, Assignee or Assignees, shall be removed, and shall be no longer an Assignee or Assignees of the Estate and Effects of the said Bankrupt or Bankrupts; and that upon the Death or Bankruptcy which shall from henceforth happen of any Assignee or Assignees, upon Application made to the major Part of the Commissioners named in the Commission, and signed by any One or more of the Creditors who have or hath proved a Debt or Debts under the said Commission, and who is or are entitled to vote in the Choice of Assignees, the Commissioners shall cause due Notice to be given in the London Gazette, and in such other of the public Papers as they shall think fit, of the Time and Place when and where they shall proceed to the Choice of a new Assignee or Assignees, in the Room and Stead of the said deceased or Bankrupt Assignee or Assignees. AND I DO ORDER, That the Creditors who shall be present at such Meeting, and who are intitled to vote in the Choice of Assignees, and any Person or Persons duly authorized by any such Creditor or Creditors not present at such Meeting, do then and there proceed to such Choice accordingly; and after such new Assignee or Assignees shall have been so chosen, I DO ORDER, That all proper Parties do join in an Assignment of the Estate and Effects of the said Bankrupt or Bankrupts, so as that the same may be duly vested in the new Assignee or Assignees, and in the surviving or solvent Assignee or Assignees (if any such there be). AND I DO FURTHER ORDER, That when the Assignee or Assignees of any Bankrupt or Bankrupts shall have become Bankrupt, the Commissioners named in the Commission or Commissions against such Assignee or Assignees, do proceed to take an Account of the Estate and Effects of the Bankrupt or Bankrupts come to the Hands of the Assignee or Assignees, who shall have so become Bankrupt, and of his or their Assignee or Assignees, or to the Hands of any Person or Persons by their or any of their Order, or for their or any of their Use; in the taking of which Account the Commissioners are to make to all Parties all just Allowances. AND I DO FURTHER ORDER, That such Parts of the Estate or Effects of the Bankrupt or Bankrupts whose Assignee or Assignees shall have so become Bankrupt, as shall be then remaining in Specie; and also all Books, Papers, and Writings, in the Custody or Power of the said Bankrupt Assignee or Assignees, or of his Assignee or Assignees relating to the said Bankrupt or Bankrupts, or his or their Estate or Effects, be delivered over to the new Assignee or Assignees (if any such shall have been chosen), and the solvent Assignee or Assignees, if any such there be, or to the solvent Assignee or Assignees if no new Assignee or Assignees shall have been then chosen: And that such new Assignee or Assignees if any such shall have been then chosen; and the solvent Assignee or Assignees (if any such there be) or the solvent Assignee or Assignees only, if such new Assignee or Assignees shall not have been chosen, be admitted Creditors under the Commission or Commissions against such Bankrupt Assignee or Assignees, for what shall be so found due from the Estate or Effects of such Bankrupt Assignee or Assignees; and for the better taking the Account before directed, all Parties are to be examined upon Interrogatories or otherwise, as the Commissioners shall think fit; and are to produce upon Oath before the said Commissioners, all Books, Papers, and Writings, in their or any of their Custody or Power, relative to the said Bankrupt or Bankrupts, or his or their Estate or Effects, as the Commissioners shall direct. AND I DO FURTHER ORDER, That upon Application to the major Part of the Commissioners named in any Commission of Bankruptcy, by any Persons or Persons claiming to be a Mortgagee or Mortgagees of any Part of the Bankrupt's Estate or Effects, the said Commissioners shall proceed to enquire whether such Person or Persons is, or are a Mortgagee or Mortgagees of any Part of the Bankrupt's Estate or Effects, and for what Consideration, and under what Circumstances; and if the Commissioners shall find such Person or Persons is or are a Mortgagee or Mortgagees of any Part of the Bankrupt's Estate or Effects, and no sufficient Objection shall appear to the Title of such Mortgagee or Mortgagees to the Sum claimed by him or them under such Mortgage or Mortgages, that the Commissioners do then proceed to take an Account of the Principal, Interest, and Costs, due upon such Mortgage or Mortgages, and of the Rents and Profits of the mortgaged Premises received by such Mortgagee or Mortgagees, or by any other Person or Persons, by his, their, or any of their Order, or for his, their, or any of their Use, in case such Mortgagee or Mortgagees shall have been in Possession of the mortgaged Premises, or of any Part thereof; and that the Commissioners do then cause due Notice to be given in the London Gazette, and in such other of the public Papers as they shall think fit, when and where the said mortgaged Premises are to be Sold, before them, or by public Auction at any other Place or Places, if they shall so think fit; and that such Sale be made accordingly. AND I DO FURTHER ORDER, That all proper Parties do join in the Conveyance or Conveyances to the Purchaser or Purchasers, as the said Commissioners shall direct. AND I DO FURTHER ORDER, That the Monies to arise from such Sale, be applied in the first Place, in Payment of the Expences attending such Sale, and then in Payment and Satisfaction of what shall be found due to such Mortgagee or Mortgagees, for Principal, Interest, and Costs; and that the Surplus of the said Monies (if any) be paid to the Assignees of the Estate and Effects of the said Bankrupt; But in case the Monies to arise from such Sale shall be insufficient to pay and satisfy what shall be so found due to such Mortgagee or Mortgagees, I do Order, that such Mortgagee or Mortgagees be admitted a Creditor or Creditors under such Commission for such Deficiency, and to receive a Dividend or Dividends thereon, out of the Bankrupt's Estate or Effects, rateably, and in Proportion with the rest of the Creditors seeking Relief under the said Commission; but so as not to disturb any Dividend or Dividends then already made: And for the better making such Enquiry, and taking such Account as aforesaid, and making a Title to such Purchaser or Purchasers, I DO ORDER, That all Parties be examined by the said Commissioners upon Interrogatories or otherwise, as the Commissioners shall think fit, and do produce before the said Commissioners upon Oath, all Deeds, Papers, and Writings, in their respective Custody or Power, relating to the Estate or Effects of the said Bankrupt or Bankrupts, as the Commissioners shall direct.

LOUGHBOROUGH, C.